

EXHIBIT 2

<p style="text-align: right;">1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA</p> <p>3 DAT THANH LUONG, DECEASED,) 4 through his co-Successors in Interest,) 5 AI QIONG ZHONG, Individually and as) Case No. 6 mother and Next Friend for W.L.,) 3:17cv6675 EMC 7 a minor, and MAI CHAU, individually,) 8 Plaintiffs,) 9 vs.) 10) 11 ALAMEDA COUNTY, a public entity;) 12 SHERIFF GREG AHERN; JAIL COMMANDER) 13 THOMAS MADIGAN; DR. RINATA WAGLE,) Volume I 14 M.D.; ESTATE OF MOHINDER KAUR, M.D.;) 15 JACKSON & COKER LOCUMTENENS, LLC;) 16 BONNIE COOK, MFT; DEPUTY BRANDEN) 17 MCBRIDE; SHERIFF'S TECHNICIAN ROBERT) 18 LUEBKER; SHERIFF'S TECHNICIAN BRITANNI) 19 MARTINEZ; SHERIFF'S TECHNICIAN KARL) 20 ENZMANN; DEPUTY SCOTT BRYNING; DEPUTY) 21 SHAWN CHRISTIANSEN; NAPA STATE) 22 HOSPITAL, CALIFORNIA DEPARTMENT OF) 23 STATE HOSPITALS, a public entity; PAM) 24 AHLIN; DOLLY MATTEUCCI; PATRICIA) 25 TYLER, M.D.; CINDY BLACK; and DOES) 7-20, Jointly and Severally,) Pages 1 - 88 Defendants.)</p> <p>DEPOSITION OF NINA LUONG June 14, 2019</p> <p>Reported by: CLARE MACY, RPR, CSR #5256</p> <p>JAN BROWN & ASSOCIATES WORLDWIDE DEPOSITION & VIDEOGRAPHY SERVICES 701 Battery St., 3rd Floor, San Francisco, CA 94111 (415) 981-3498 or (800) 522-7096</p>	<p style="text-align: right;">3</p> <p>1</p> <p>2 BE IT REMEMBERED that, pursuant to Notice of 3 Deposition, and on Friday, June 14, 2019, commencing at 4 the hour of 10:06 a.m., in the Office of the Attorney 5 General, 455 Golden Gate Avenue, Suite 11000, San 6 Francisco, California, before me, Clare Macy, a 7 certified shorthand reporter in the State of California, 8 there personally appeared</p> <p style="text-align: center;">NINA LUONG,</p> <p>called as a witness by the Defendants, who being by me first duly sworn, was thereupon examined and interrogated as is hereinafter set forth.</p> <p style="text-align: center;">--oOo--</p>
<p style="text-align: right;">2</p> <p>1</p> <p>2 INDEX</p> <p>3 PAGE</p> <p>4</p> <p>5 Examination by Ms. Tsai 5</p> <p>6</p> <p>7 Reporter's Certificate 88</p> <p>8</p> <p>9 --oOo--</p> <p>10</p> <p>11</p> <p>12 INDEX OF</p> <p>13 EXHIBITS</p> <p>14</p> <p>15 DEPOSITION NO. PAGE</p> <p>16</p> <p>17 Exhibit 1 State Defendants' Notice of Deposition 5</p> <p>18 of Nina Luong, with attached copies</p> <p>19 of subpoena and check</p> <p>20</p> <p>21</p> <p>22 --oOo--</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1</p> <p>2 APPEARANCES</p> <p>3</p> <p>4</p> <p>5 MAYA RODRIGUEZ SORENSEN, Attorney at Law, of</p> <p>6 Haddad & Sherwin LLP, 505 Seventeenth Street, Oakland,</p> <p>7 California 94612, appeared as counsel on behalf of the</p> <p>8 Plaintiffs.</p> <p>9 Tel: 510.452.5500</p> <p>10 Email: maya@haddadsherwin.com</p> <p>11</p> <p>12</p> <p>13 CAROLYN O. TSAI, Deputy Attorney General, of</p> <p>14 Office of Attorney General, 455 Golden Gate Avenue,</p> <p>15 Suite 11000, San Francisco, California 94102-7004,</p> <p>16 appeared as counsel on behalf of the Defendants.</p> <p>17 Tel: 415.510.3539 Fax: 415.703.1234</p> <p>18 Email: carolyn.tsai@doj.ca.gov</p> <p>19</p> <p>20</p> <p>21 ALSO PRESENT:</p> <p>22 Mimi Lain, Interpreter</p> <p>23 Winnie Chan, Interpreter</p> <p>24 Tuyet Mai Luong</p> <p>25</p>

<p style="text-align: right;">17</p> <p>1 A. Mai is 61. She's 63. So, three years. 2 Q. How many years are between Cindy and you? 3 A. Four years. 4 Q. And how many years are between you and Hilda? 5 A. Two years. 6 Q. Are any of your siblings adopted? 7 A. No. 8 Q. Are any of your siblings half-siblings, 9 meaning that you share one parent, not both? 10 A. No. 11 Q. And do you have any siblings that died as 12 young children? 13 A. No. 14 Q. So all your siblings are alive -- 15 A. Yes. 16 Q. -- except -- except Mr. Luong? 17 A. That's right. 18 Q. Can you just describe generally your 19 relationship with Mr. Luong? 20 A. My relationship with my brother was very good. 21 We grew up together in Vietnam, and in 1988, I came over 22 to this country because he sponsor us, asked me and 23 sisters, and that was in 1988. And we live in the same 24 household. He -- he -- he came first, so he provided us 25 with rent and food, so we could go to college in this</p>	<p style="text-align: right;">19</p> <p>1 were you married? 2 A. I was not. 3 Q. Did you come alone? 4 A. With my -- with Cindy and Hilda. 5 Q. So is it accurate to say that you, Cindy and 6 Hilda all moved in with Mr. Luong when you arrived in 7 1988? 8 A. Yes. 9 Q. When did your mother immigrate to the 10 United States? 11 A. Same time as us, but earlier, like six months 12 earlier, so also in 1988. 13 Q. Did your father come with her? 14 A. Yes, he did. 15 Q. Is your father alive now? 16 A. No. 17 Q. And when did he pass away? 18 A. 2014. 19 Q. Did I understand your testimony correctly that 20 you moved out of Mr. Luong's home in 1997? 21 A. Yes. 22 Q. Is it fair to describe that home as his home? 23 A. Yes. When I move out, it was his home. 24 Q. So there was a time when your mother and 25 father, Cindy, Hilda, Mai, you, Mr. Luong, all lived</p>
<p style="text-align: right;">18</p> <p>1 country. 2 So to me, that's very -- I appreciate his help 3 very much, that he was generous, was willing to do that 4 for -- for me, for us. 5 Q. Were you born in Vietnam? 6 A. Yes, I was. 7 Q. And was Mr. Luong born in Vietnam? 8 A. Yes, he was. 9 Q. Do you know when Mr. Luong emigrated? 10 A. I'm sorry? 11 Q. Do you know when Mr. Luong came to the 12 United States? 13 A. When; right, you are asking? 14 Q. When? 15 A. Okay. 1980. 16 Q. And was he married at that time? 17 A. No, he was not. 18 Q. Did he come to the United States alone? 19 A. With Mai. He came with Mai. 20 Q. When you first arrived in the United States, 21 did you live with Mr. Luong? 22 A. Yes, I did. 23 Q. How long did you live with him? 24 A. From 1988 to 1997. 25 Q. In 1988, when you came to the United States,</p>	<p style="text-align: right;">20</p> <p>1 together in the United States? 2 A. Mai -- I live with my brother longer, the 3 time, longer than Mai did. 4 Q. Okay. Is it fair to say that there was some 5 period, even if it was short, where everybody lived 6 together in one house? 7 A. Yes, yes. 8 MS. TSAI: And Madam Reporter, are we speaking 9 over each other too much, or are you okay? 10 THE REPORTER: I'm okay, thank you. 11 MS. TSAI: Q. After you moved out of 12 Mr. Luong's house in 1997, how would you describe your 13 relationship with him? 14 A. Good. 15 Q. And would you describe it as close? 16 A. What do you mean by close? 17 Q. Did Mr. Luong confide in you? 18 A. Confide means? 19 Q. Share thoughts or feelings with you that he 20 may not share with everybody. 21 A. I think he share thoughts and feelings with 22 me, knowing that I'm his sister. 23 Q. Did you guys have fights once in a while? 24 A. No. 25 Q. Was there ever a period where you stopped</p>

<p style="text-align: right;">21</p> <p>1 talking to each other, due to distance or perhaps 2 frustration?</p> <p>3 A. No.</p> <p>4 Q. To your knowledge, did he ever become 5 estranged from anyone in your family?</p> <p>6 A. No. We have been all -- we've always been 7 around in the same -- we live in Bay Area, very close to 8 each other, the whole family.</p> <p>9 Q. Okay. Before Mr. Luong immigrated to the 10 United States, did he live with you in Vietnam?</p> <p>11 A. Yes.</p> <p>12 Q. And so as children, you grew up in the same 13 house together?</p> <p>14 A. Yes, yes.</p> <p>15 Q. And he left in 1980, eight years before you 16 left; is that correct?</p> <p>17 A. (Witness nods head.)</p> <p>18 Yes. I'm sorry. Yes.</p> <p>19 Q. Did Mr. Luong finish high school in Vietnam?</p> <p>20 A. I don't remember. I don't know.</p> <p>21 Q. So for eight years of your childhood, you were 22 in your family home in Vietnam and he was not there; is 23 that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. When you got married, did you live in the</p>	<p style="text-align: right;">23</p> <p>1 Q. When Mr. Luong died, did you help cover any of 2 the expenses related to his death, for example, a 3 funeral expense or -- or cremation or burial?</p> <p>4 A. I don't think so. No.</p> <p>5 Q. Do you remember if anyone in your family did?</p> <p>6 A. No.</p> <p>7 Q. No, you don't remember?</p> <p>8 A. No. Right.</p> <p>9 Q. And just to be clear; this is my fault for the 10 way I asked the question.</p> <p>11 But the answer is no, you didn't remember, not 12 no, nobody supported him; correct?</p> <p>13 A. That's right.</p> <p>14 Q. I'll represent to you that Mr. Luong's medical 15 records state --</p> <p>16 A. Okay.</p> <p>17 Q. -- that he told his doctors he stopped working 18 in 2001.</p> <p>19 A. Okay.</p> <p>20 Q. Does that sound correct to you?</p> <p>21 A. Yes.</p> <p>22 Q. And the medical records state that he stopped 23 working in 2001 because he became disabled?</p> <p>24 A. Yes.</p> <p>25 Q. Due to his mental illness?</p>
<p style="text-align: right;">22</p> <p>1 United States?</p> <p>2 A. Yes. I -- yes, I did.</p> <p>3 Q. And what year did you get married?</p> <p>4 A. 1995.</p> <p>5 Q. And did Mr. Luong attend your wedding?</p> <p>6 A. Oh, yes, he did. He did.</p> <p>7 Q. And I think I understood you to testify that 8 Mr. Luong also got married in the United States; is that 9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And were you able to attend his wedding?</p> <p>12 A. Yes.</p> <p>13 Q. From the time that you stopped living with 14 Mr. Luong, 1997, did you ever financially support him?</p> <p>15 A. No.</p> <p>16 Q. Did you ever give him loans?</p> <p>17 A. No.</p> <p>18 Q. Are you aware of anyone in your family that 19 helped Mr. Luong with his expenses?</p> <p>20 A. I'm not aware.</p> <p>21 Q. Did either of your parents ever tell you that 22 they supported him financially?</p> <p>23 A. No.</p> <p>24 Q. Did they ever tell you they loaned him money?</p> <p>25 A. No.</p>	<p style="text-align: right;">24</p> <p>1 A. Yes.</p> <p>2 Q. Does that sound correct to you?</p> <p>3 A. Yes.</p> <p>4 Q. It was clear to you, then, in 2001 that 5 Mr. Luong had mental illness; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did you realize in 1997, when you moved out of 8 the home that he lived in, that he had mental illness?</p> <p>9 A. He had -- he was taking medication at that 10 time.</p> <p>11 Q. Starting in 1997, he stopped working. Where 12 had he worked before that?</p> <p>13 A. He had worked for LAM Research.</p> <p>14 Q. Is that L-A-M or --</p> <p>15 A. Yes, L-A-M. Research.</p> <p>16 Q. And do you know what he did there?</p> <p>17 A. He was a technician.</p> <p>18 Q. Did he work with machines or computers; do you 19 know?</p> <p>20 A. Computers.</p> <p>21 Q. So it's fair to say he was a computer 22 technician?</p> <p>23 A. I don't know if that title fits his job 24 descriptions.</p> <p>25 Q. Okay. After 1997, did he ever talk to you</p>

<p style="text-align: right;">25</p> <p>1 about receiving his -- receiving disability?</p> <p>2 A. Yes.</p> <p>3 Q. And did he use the phrase "disability" to</p> <p>4 describe that money that he was receiving?</p> <p>5 A. Well, he talked to me in Chinese.</p> <p>6 Q. Ah.</p> <p>7 A. So I -- I -- I don't know. It's -- it's, the</p> <p>8 meaning is similar to disability.</p> <p>9 Q. Have you ever heard him use the phrase "SSI"?</p> <p>10 A. I don't remember.</p> <p>11 Q. Did he ever mention receiving unemployment</p> <p>12 benefits?</p> <p>13 A. I don't remember.</p> <p>14 Q. Thank you for trying. I can see you're trying</p> <p>15 to remember.</p> <p>16 A. Yeah, I'm trying. I am like going back in</p> <p>17 time to remember things.</p> <p>18 Q. I appreciate that.</p> <p>19 A. I'm sorry. I sometimes stare at the blinds so</p> <p>20 it helps me, you know, retrieve my memories.</p> <p>21 Q. I do the same thing.</p> <p>22 A. I look over you, across, and I find it very</p> <p>23 soothing over there. So I look at that.</p> <p>24 Q. Did he ever mention receiving this money from</p> <p>25 the State?</p>	<p style="text-align: right;">27</p> <p>1 Q. All right. I'm going to shift gears a little</p> <p>2 bit here.</p> <p>3 A. Okay.</p> <p>4 Q. So, to the best of your knowledge, when did</p> <p>5 Mr. Luong first show signs of mental illness?</p> <p>6 A. Around 1994.</p> <p>7 Q. And what were those signs?</p> <p>8 A. Okay. He told us that he thought somebody was</p> <p>9 following him all the time.</p> <p>10 Q. What other signs of mental illness did he show</p> <p>11 at that time, in 1994?</p> <p>12 A. Kind of withdrawn, quiet.</p> <p>13 Q. Did he describe hearing voices?</p> <p>14 A. Not at that time.</p> <p>15 Q. Have either of your parents ever shown similar</p> <p>16 signs of mental illness?</p> <p>17 A. No.</p> <p>18 Q. Is he the only person in your family that's</p> <p>19 been diagnosed with mental illness?</p> <p>20 A. So far, yes.</p> <p>21 Q. So he first started showing signs in 1994.</p> <p>22 When did he begin seeing a medical professional?</p> <p>23 A. Around that time, 1994.</p> <p>24 Q. Was he diagnosed with a mental illness in</p> <p>25 1994?</p>
<p style="text-align: right;">26</p> <p>1 A. I don't remember. Those exact words, I</p> <p>2 don't -- I don't remember.</p> <p>3 Q. Did you understand the disability to be a</p> <p>4 temporary thing or a permanent thing?</p> <p>5 A. Permanent.</p> <p>6 Q. Did he ever talk about having to get doctors</p> <p>7 to fill out paperwork for the disability?</p> <p>8 A. I think so. Doctor has to certify him.</p> <p>9 Q. After he stopped working and started receiving</p> <p>10 disability, do you have -- any information that he</p> <p>11 struggled financially?</p> <p>12 A. Not that I know of. Not that I know of.</p> <p>13 Q. I asked you questions about your family</p> <p>14 supporting him. I'm going to ask you a few questions</p> <p>15 now about him supporting your family.</p> <p>16 A. Okay.</p> <p>17 Q. Did he ever loan you money?</p> <p>18 A. No.</p> <p>19 Q. And did he ever support you financially?</p> <p>20 Outside of this period when you lived in his</p> <p>21 home, after 1997?</p> <p>22 A. Oh, I see. Okay. So then the answer is no.</p> <p>23 Q. To your knowledge, did Mr. Luong financially</p> <p>24 support any members of your family?</p> <p>25 A. No.</p>	<p style="text-align: right;">28</p> <p>1 A. I don't know.</p> <p>2 Q. Was he ever diagnosed with a mental illness?</p> <p>3 A. Yes.</p> <p>4 Q. And what do you understand that diagnosis to</p> <p>5 be?</p> <p>6 A. Schizophrenia.</p> <p>7 Q. And when did you first learn that your brother</p> <p>8 was diagnosed with schizophrenia?</p> <p>9 A. I believe it's 2001, when it became more</p> <p>10 severe.</p> <p>11 Q. So the early signs began in 1994. And you</p> <p>12 just said it became more severe --</p> <p>13 A. Right.</p> <p>14 Q. -- in 2001; is that fair?</p> <p>15 A. Yes.</p> <p>16 Q. And would you say between 1994 and 2001 the</p> <p>17 change in Mr. Luong was gradual, or would you describe</p> <p>18 it as more sudden?</p> <p>19 A. So 1994, he -- he showed signs of, like,</p> <p>20 paranoia. So we told him to go see a doctor. He did.</p> <p>21 And then he got on medication, and then he got better.</p> <p>22 So from 1994 to 2001, he was able to work.</p> <p>23 I don't remember him having any -- him showing</p> <p>24 any episodes of mental illness that prevented him from</p> <p>25 going to work.</p>

<p style="text-align: right;">61</p> <p>1 Q. I appreciate that you're trying.</p> <p>2 A. Yeah.</p> <p>3 Q. Do you remember afterward, arriving home or</p> <p>4 talking to anyone on your way home?</p> <p>5 A. I did not talk to anybody on my way home, but</p> <p>6 when I got home, I always talk to my husband, what</p> <p>7 happened. Yeah. And then the next day, try to find</p> <p>8 where he was. Because I don't know where he went. He</p> <p>9 just disappeared. He was taken away.</p> <p>10 Q. All right. I'm going to ask you a couple of</p> <p>11 questions. I think I already know the answer, but in an</p> <p>12 abundance of caution, I have to ask you.</p> <p>13 Did you take any pictures or make any</p> <p>14 recordings on your phone while you were at his house on</p> <p>15 January 26, 2016?</p> <p>16 A. No, I did not.</p> <p>17 Q. Did you see a weapon while you were there?</p> <p>18 A. I didn't.</p> <p>19 (Reporter interrupts.)</p> <p>20 THE WITNESS: I did not see anything.</p> <p>21 MS. TSAI: Q. Do you recall seeing the police</p> <p>22 interview witnesses?</p> <p>23 A. No, I did not.</p> <p>24 Q. Do you recall seeing any of your family</p> <p>25 members at the house on January 26, 2016, at the crime</p>	<p style="text-align: right;">63</p> <p>1 A. Can you repeat the question.</p> <p>2 Q. Yeah. Let me rephrase it.</p> <p>3 So Mr. Luong was arrested on January 26, 2016.</p> <p>4 At any time after that, did you have any conversations</p> <p>5 with -- with anyone about his mental health?</p> <p>6 A. No, I did not.</p> <p>7 Q. Okay. Did you ever receive phone calls from</p> <p>8 anyone at the jail or the sheriff's department?</p> <p>9 A. No.</p> <p>10 Q. Did you receive phone calls from police</p> <p>11 officers that were working on their police reports?</p> <p>12 A. No, I did not.</p> <p>13 Q. Okay. Did Dr. Chou call you and talk with you</p> <p>14 about any -- about the events of January 26?</p> <p>15 A. Never.</p> <p>16 Q. I'm -- I'm discerning a little bit of</p> <p>17 frustration that Dr. Chou wasn't more responsive; is</p> <p>18 that fair?</p> <p>19 A. Yes.</p> <p>20 Q. Did you talk to your sister-in-law after he</p> <p>21 was arrested on January 26th about his arrest or about</p> <p>22 how she was coping with it?</p> <p>23 A. Yes. I did.</p> <p>24 Q. And how was she coping with it?</p> <p>25 A. It was very tough for her because suddenly</p>
<p style="text-align: right;">62</p> <p>1 scene?</p> <p>2 A. No.</p> <p>3 Q. Do you recall seeing ambulances or emergency</p> <p>4 medical technicians?</p> <p>5 A. No.</p> <p>6 Q. I'll -- I'll represent to you that the police</p> <p>7 report states that the incident on January 26, 2016</p> <p>8 involved a neighbor.</p> <p>9 Have you heard that before today?</p> <p>10 A. A neighbor. No.</p> <p>11 Q. Today is the first day you learned that</p> <p>12 Mr. Luong that day was --</p> <p>13 A. Right.</p> <p>14 Q. -- had a conflict with a neighbor?</p> <p>15 A. Uh-huh, yes.</p> <p>16 Q. Today is the first day you heard that?</p> <p>17 A. Yes, yes.</p> <p>18 Q. Okay. So you have no knowledge about any</p> <p>19 history of a dispute he may have had with a neighbor?</p> <p>20 A. No.</p> <p>21 Q. Okay. I'm shifting gears now. I want to talk</p> <p>22 about the day -- his arrest to the present.</p> <p>23 A. Okay.</p> <p>24 Q. So, after Mr. Luong's arrest, did you ever</p> <p>25 talk to anyone about Mr. Luong's mental health?</p>	<p style="text-align: right;">64</p> <p>1 he's gone, he's out of the house. She -- when he was at</p> <p>2 home, he took care of houseworks for her. So when she</p> <p>3 came back from work, she didn't have to worry about</p> <p>4 chores. And he took care of Wesley, his son, when his</p> <p>5 wife was working.</p> <p>6 He took him to school, pick him up from</p> <p>7 school, make sure his homework was done, accompany him,</p> <p>8 keep him company. And if there was a school</p> <p>9 teacher-parent conference, he went there with him. So</p> <p>10 suddenly, my sister-in-law lost that kind of support.</p> <p>11 It was devastating to her.</p> <p>12 Q. Did she discuss with you any concerns she had</p> <p>13 about his treatment in the jail?</p> <p>14 A. She's -- she said, because she's visited him</p> <p>15 every week, every Saturday, and at times she saw, like</p> <p>16 bruises on his face. Eye -- his eyeglasses being</p> <p>17 broken. Like, she saw signs of injuries on him, and she</p> <p>18 was concerned.</p> <p>19 Q. Did she share with you any concerns about his</p> <p>20 mental health as well?</p> <p>21 A. Yes.</p> <p>22 Q. And what kind of concerns did she share with</p> <p>23 you?</p> <p>24 A. Like he was very confused, couldn't carry out</p> <p>25 a conversation with her. There was time he refused to</p>

1 STATE OF CALIFORNIA) SS.
2

3 I do hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to testify to
5 the truth, the whole truth, and nothing but the truth in
6 the within-entitled cause; that said deposition was
7 taken at the time and place therein stated; that the
8 testimony of the said witness was reported by me, a
9 certified shorthand reporter and disinterested person,
10 and was under my supervision thereafter transcribed into
11 typewriting, and when so transcribed was carefully read
12 to or by the said witness, and, being in every desire,
13 was thereafter by the said witness duly subscribed; that
14 if unsigned by the witness, signature has been waived in
15 accordance with stipulation between counsel for the
16 respective parties.

17 And I further certify that I am not of counsel
18 or attorney for either or any of the parties to said
19 deposition nor in any way interested in the outcome of
20 the cause named in said caption.

21 IN WITNESS WHEREOF, I have hereunto set my
22 hand this 27th day of June, 2019.

23 *Clare Macy*
24 _____
25

 CLARE MACY,
 Certified Shorthand Reporter